

STATE WATER RIGHTS BOARD

ORDER

APPLICATION 2576PERMIT 1722LICENSE 1027ORDER ALLOWING CORRECTION OF DESCRIPTION
OF POINT OF DIVERSION

WHEREAS License 1027 was issued to James H. Jones and was filed with the County Recorder of Butte County on May 25, 1931, and

WHEREAS said license was subsequently assigned to Newhall Land and Farming Company, and

WHEREAS the State Water Rights Board has found that the correction of description of point of diversion under said license for which petition was submitted on August 20, 1965, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said correction and has directed that an order be issued to describe said point of diversion in accordance with said petition;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to correct the description of point of diversion under said License 1027 to read as follows, to wit:

SOUTH SEVENTY-THREE DEGREES EAST ($S73^{\circ}E$) TWO THOUSAND FIVE HUNDRED (2500) FEET FROM NW CORNER OF PROJECTED SECTION 5, T20N, R2E, MDB&M, BEING WITHIN $NE\frac{1}{4}$ OF $NW\frac{1}{4}$ OF SAID SECTION 5.

Dated: APR 5 1967

L. K. Hill
L. K. Hill
Executive Officer

STATE OF CALIFORNIA
RESOURCES AGENCY
STATE WATER RIGHTS BOARD
ORDER

APPLICATION 2576

PERMIT 1722

LICENSE 1027

ORDER ALLOWING CHANGE IN POINT OF DIVERSION

WHEREAS License 1027 was issued to James H. Jones and was filed with the County Recorder of Butte County on May 25, 1931, and

WHEREAS said license was subsequently assigned to Newhall Land and Farming Company, and

WHEREAS the State Water Rights Board has found that the change in point of diversion under said license for which petition was submitted on August 20, 1965, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said change and has directed that an order be issued to describe said point of diversion in accordance with said petition;

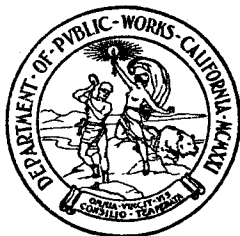
NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the point of diversion under said License 1027, to point of diversion described as follows, to wit:

NORTH SEVENTY-THREE DEGREES EAST (N73°E) TWO THOUSAND FIVE HUNDRED (2500) FEET FROM THE NW CORNER OF PROJECTED SECTION 5, T20N, R2E, MDB&M, BEING WITHIN THE NE $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF SAID SECTION 5.

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 22 nd day of October, 1965



L. K. Hill
L. K. Hill
Executive Officer



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

ORDER

APPLICATION 2576

PERMIT 1722

LICENSE 1027 ✓

ORDER DECLARING LICENSE 1027 TO BE A VALID AND EXISTING LICENSE AS OF THE DATE OF ITS ISSUANCE ON MARCH 24, 1931, AND CANCELLING PREVIOUS ORDER OF JULY 11, 1931, WHICH PURPORTS TO REVOKE SAID LICENSE.

WHEREAS, on March 24, 1931, the Division of Water Resources issued license numbered 1027 and thereafter on May 18, 1931, mailed notice of said issuance which was received by licensee on May 21, 1931;

WHEREAS, on May 25, 1931, said license was duly filed by the County Recorder of Butte County and a certificate of said filing was on said date duly executed by said County Recorder;

WHEREAS, due to error and inadvertence of the said County Recorder of Butte County the Certificate of the said recorder of the filing of said license was not received in the office of said division until September 2, 1931;

AND WHEREAS the fact of the filing of said license and of the issuance of said certificate of filing on said 25th day of May 1931 and of the error of said recorder in failing to promptly forward said certificate of filing to said division is attested by the duly executed certificates of said recorder now on file in this office;

NOW THEREFORE be it hereby declared and ordered that said license is a valid and existing license and has been a valid and existing license ever since the date of its issuance on March 24, 1931, and that the order heretofore issued on July 11, 1931, which purports to revoke said license is void, of no effect, and is hereby rescinded and cancelled.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 20th day of November, 1931.

EDWARD HYATT, State Engineer

By Harold Conkling
Deputy

SEB:CC



DEC 18 1931

diversion bench

4



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

DATE PAID 11/2/33 ASSIGNMENT TO Herbert W. W. Litten

License for Diversion and Use of Water

DATE PAID 10/13/32 ASSIGNMENT TO Federal Land Bank of Berkeley
4/2/31 ASSIGNMENT TO E. L. Adams
4/2/31 ASSIGNMENT TO Kathryn L. Jones

LICENSE 1027

PERMIT 1722

APPLICATION 2576

THIS IS TO CERTIFY, That ~~James H. Jones~~ of Chico, California

has made proof to the satisfaction of the Division
of Water Resources of California of a right to the use of the waters of Butte Creek in Butte County

tributary of Sacramento River

for the purpose of irrigation use

under Permit 1722 of the Division of Water Resources and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources and the terms of the said permit; that the priority of the right herein confirmed dates from October 6, 1921;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed six (6) cubic feet per second from about April 15th to about September 15th of each season. In case of rotation the equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

As there is a possibility that there will not be sufficient water in Sacramento River during the latter part of the irrigation season to satisfy all requirements, this license is issued subject to the express condition that the use hereunder may be regulated by the Division of Water Resources during such periods of water scarcity to the end that such use will not interfere with rights under prior applications.

The point of diversion of such water is located South twenty-three degrees thirty-four minutes West (S 23° 34' W) one hundred (100) feet from the center of the southerly abutment of the Sacramento Northern Railroad bridge over the southerly channel of Butte Creek in Butte County, being within the NE¹ of the SW¹ of Section 5, T 20 N, R 2 E, M.D.B. & M. projected.

A description of the lands or the place where such water is put to beneficial use is as follows:

1616.9 acres within projected Sections 5, 7, 8, 9, 16, 17, 20 and 21, T 20 N, R 2 E, M.D.B. & M. as shown on map received December 1st, 1921 on file in the office of the Division of Water Resources.

In accordance with the provisions of Section 42 of the Water Commission Act, nothing herein shall be construed as confirming the right to use more than two and one-half (2½) acre feet of water per acre in any one year in the irrigation of uncultivated areas of land not devoted to cultivated crops.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes 1913, which is as follows:

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs thereof, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and providing, further, that when such municipality shall desire to use the additional waters granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness my hand and the seal of the Department of Public Works of the State of California, this 24 day of March, 1931

EDWARD HYATT
State Engineer

By Harold Conkling
Deputy



11/5/43 RECEIVED NOTICE OF ASSIGNMENT TO E. L. Adams
11/10/59 RECEIVED NOTICE OF ASSIGNMENT TO Partial Law R. Adams
7/12/65 RECEIVED NOTICE OF ASSIGNMENT TO Penhall Land & Farming Co.
7-25-78 Asgd To Norris Industries Inc.
1-17-79 Asgd To Adams Esquon Ranch, Inc.

3/20/91 Notice of asdg Lic #1027
Rancho Esquon Partners

LICENSE 1027
STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

DATE REC'D 1/3/33 Partial ASSIGNMENT TO Herbert W. Whittier
DATE REC'D 4/2/31 ASSIGNMENT TO James H. Jones
ISSUED TO James H. Jones
DATED March 24, 1931

LICENSE
TO APPROPRIATE WATER
DATE REC'D 4/2/31
ASSIGNED TO E. L. Adams
DATE REC'D 4/2/31
ASSIGNED TO Harold Conkling